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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/612,141 | 07/07/2000 | Alan T. Ruberg | | 7800 |

7590 09/30/2003
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| EXAMINER |
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LEZAK, ARRIENNE M

| ART UNIT | PAPER NUMBER |
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2143

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 09/612,141 | | RUBERG ET AL. | |
| | Examiner | | Art Unit | |
| | Arrienne M. Lezak | | 2143 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-51 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,460,082 B1 to Lumelsky. Regarding Claims 1, 2, 16, 17, 21, 22, 25, 28, 35, 39, 44, 50, and 51, Lumelsky discloses a system and method for device management in a grouped server system, comprising a plurality of servers operating in a group and a plurality of desk top units persistently coupled via an interconnect, each of said servers comprising a device manager, comprising said device managers brokering devices coupled to said desktop units to at least one device and/or service directly and/or remotely, (Col. 5-6). The Lumelsky system and method further comprises a service creating a request for allocation of a device by determining which device manager manages said device and informing said service of said managing device manager, (wherein said request comprises desired device capabilities); a first device manager in a first server transferring said request to a second device manager in a second server, said first device manager being coupled to said service; said second device manager allocating said device to said service; and said second device manager informing said

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first device manager of said allocation, (Abstract, Col. 16, lines 45-67 and Col. 17, lines 1-8). Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 1, 2, 16, 17, 21, 22, 25, 28, 35, 39, 44, 50 and 51.

3. Regarding Claims 3-5, 29, 30, 36-38 and 47-49, Lumelsky discloses a system and method for device management wherein the first server and second server operate in a group, further comprising: establishing a first optionally event-terminating communication path, (comprising receipt of a group list comprising server information and transference of device reports and allocation requests), between said first device manager and said second device manager; and establishing an optionally event-specific, (resetting of desktop unit or failure of first device manager), and/or arbitrary second communication path between a desktop unit and said second device manager, said device being coupled to said desktop unit for purposes of device data transference, (Abstract, Col. 16, lines 45-67 and Col. 17, lines 1-8). Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 3-5, 29, 30, 36-38 and 47-49.

4. Regarding Claims 6-9, 31-33, 40-42 and 45, Lumelsky discloses a method for device management wherein a first device manager creates a first device list, (comprising device records for devices the first device manager manages), and a second device manager creates a second device list, (comprising device records for devices managed by the first device manager and peer device managers in the group server system). Said group server system further disclosed as comprising a plurality of device managers and a plurality of desktop units coupled to an interconnect, further

comprising identifying which device manager manages which device, (Col.5).

Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 6-9, 31-33, 40-42 and 45.

5. Regarding Claims 10-15, 27, 34 and 46, Lumelsky discloses a method for device management wherein the first device manager creates a finder comprising scoping rules from the service in accordance with the device request; searches the first device list coupled to the first device manager for a device matching the finder; and storing the finder locally as in the first server. Lumelsky further discloses the transferring of said request to a second device manager for creation of a request-specific second finder, searching the device list coupled to the second device manager, and storing the second finder in the second server. (Abstract, Col. 16, lines 45-67 and Col. 17, lines 1-8).

Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 10-15, 27, 34 and 46.

6. Regarding Claims 18-20, 26 and 43, Lumelsky discloses a method for device management wherein the desktop messages are time-stamped by the grouped server system universal clock as they are generated, (Col. 5, lines 26-27). Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 10-15, 27, 34 and 46.

7. Finally, regarding Claims 23 and 24, Lumelsky discloses a method for device management wherein said first server comprises a device list, said first device list comprising a device record for said device, further comprising; transferring said device record to a second device manager in said second server; and said second device

manager updating a second device list to include said device record; matching said request with said device record in said second device list; and determining said service manager that manages said device from said second device list, (Col. 5 and 6).

Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 23 and 24.

8. Claims 1-51 are further rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,480,901 B1 to Weber. Regarding Claims 1, 2, 16, 17, 21, 22, 25, 28, 35, 39, 44, 50, and 51, Weber discloses a system and method for device management in a grouped server system, comprising a plurality of servers operating in a group and a plurality of desk top units persistently coupled via an interconnect, each of said servers comprising a device manager, comprising said device managers brokering devices coupled to said desktop units to at least one device and/or service directly and/or remotely, (Abstract, Fig. 1, and Col. 1, 2). The Weber system and method further comprises a service creating a request for allocation of a device by determining which device manager manages said device and informing said service of said managing device manager, (wherein said request comprises desired device capabilities); a first device manager in a first server transferring said request to a second device manager in a second server, said first device manager being coupled to said service; said second device manager allocating said device to said service; and said second device manager informing said first device manager of said allocation, (Abstract, Fig. 1, Col. 26-28). Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 1, 2, 16, 17, 21, 22, 25, 28, 35, 39, 44, 50 and 51.

9. Regarding Claims 3-5, 29, 30, 36-38 and 47-49, Weber discloses a system and method for device management wherein the first server and second server operate in a group, further comprising: establishing a first optionally event-terminating communication path, (comprising receipt of a group list comprising server information and transference of device reports and allocation requests), between said first device manager and said second device manager; and establishing an optionally event-specific, (resetting of desktop unit or failure of first device manager), and/or arbitrary second communication path between a desktop unit and said second device manager, said device being coupled to said desktop unit for purposes of device data transference, (Col. 2, lines 64-67, Col. 3, line 1, Col. 27-28). Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 3-5, 29, 30, 36-38 and 47-49.

10. Regarding Claims 6-9, 31-33, 40-42 and 45, Weber discloses a method for device management wherein a first device manager creates a first device list, (comprising device records for devices the first device manager manages), and a second device manager creates a second device list, (comprising device records for devices managed by the first device manager and peer device managers in the group server system). Said group server system further disclosed as comprising a plurality of device managers and a plurality of desktop units coupled to an interconnect, further comprising identifying which device manager manages which device, (Col. 2, lines 53-62, Col.26, lines 60-67 and Col. 27, 28). Therefore, this reference may reasonably be

read to teach or describe every element or claim limitation of Claims 6-9, 31-33, 40-42 and 45.

11. Regarding Claims 10-15, 27, 34 and 46, Weber discloses a method for device management wherein the first device manager creates a finder comprising scoping rules from the service in accordance with the device request; searches the first device list coupled to the first device manager for a device matching the finder; and storing the finder locally as in the first server. Weber further discloses the transferring of said request to a second device manager for creation of a request-specific second finder, searching the device list coupled to the second device manager, and storing the second finder in the second server. (Abstract, Col. 26-28). Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 10-15, 27, 34 and 46.

12. Regarding Claims 18-20, 26 and 43, Weber discloses a method for device management wherein the desktop messages are time-stamped by the grouped server system universal clock as they are generated, (Col. 2, lines 23-37). Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 10-15, 27, 34 and 46.

13. Finally, regarding Claims 23 and 24, Weber discloses a method for device management wherein said first server comprises a device list, said first device list comprising a device record for said device, further comprising; transferring said device record to a second device manager in said second server; and said second device manager updating a second device list to include said device record; matching said

request with said device record in said second device list; and determining said service manager that manages said device from said second device list, (Col. 26-28).

Therefore, this reference may reasonably be read to teach or describe every element or claim limitation of Claims 23 and 24.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US PATENT 5,794,038 to Stutz;

US PATENT 6,490,616 B1 to Maryka;

US PATENT 6,553,408 B1 to Merrell;

US PATENT 6,591,290 B1 to Clarisse;

US PATENT 6,477,568 B2 to Borrett;

US PATENT 6,272,545 B1 to Flanagan.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (703)-305-0717. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703)-308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-6121.

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Arrienne M. Lezak
Examiner
Art Unit 2143

AML

A handwritten signature in black ink, appearing to be 'DW', is written over the printed name 'DAVID WILEY'.

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100